

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Anita Colon-Lockhart,

Plaintiff,

Case No: 14-14336
Hon. VICTORIA A. ROBERTS

v.

Commissioner of
Social Security,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
AND DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

I. Introduction

Plaintiff Anita Colon-Lockhart ("Colon-Lockhart") appeals the Commissioner of Social Security's denial of her application for Disability Insurance Benefits. The parties filed cross-motions for summary judgment which the Court referred to Magistrate Judge R. Steven Whalen. In a Report and Recommendation ("R&R") dated December 29, 2015, Magistrate Judge Whalen recommended Defendant's Motion for Summary Judgment be granted. Colon-Lockhart timely objected. The objections are fully briefed.

The Court **ADOPTS** the R&R. Defendant's motion for summary judgment is **GRANTED**; Plaintiff's motion for summary judgment is **DENIED**.

II. Discussion

Colon-Lockhart appeals the Commissioner's denial on her application for Disability Insurance Benefits.

The Court conducted a *de novo* review of the R&R and the record in light of Colon-Lockhart's objections. Where a Magistrate Judge's R&R is objected to, the district court must conduct a *de novo* review of those portions of the R&R to which an objection has been made. Fed. R. Civ. P. 72(b)(3). The district judge may accept, reject, or modify, in whole or in part, the recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1)(C). After completing a *de novo* review, there is no requirement that the district court articulate all of the reasons it rejects a party's objections. *Thomas v. Halter*, 131 F. Supp. 2d 942, 944 (E.D. Mich. 2001).

Colon-Lockhart submitted several objections that are not numbered or otherwise organized. Essentially, however, the objections are that the Magistrate Judge erred by: (1) finding the ALJ decision was supported by substantial evidence because the hypothetical question that formed the basis for the VE testimony assumed a greater level of functioning than the ALJ ultimately found; (2) finding medical evidence supported the ALJ's finding that none of Colon-Lockhart's impairments equaled any of the listings in Defendant's Regulation; (3) determining that Colon-Lockhart argued she met Listing 14.00; (4) finding substantial evidence supported the ALJ's credibility finding; and (5) confirming the medical treatment Colon-Lockhart received did not support her testimony of disabling pain.

Magistrate Judge Whalen thoroughly lays out the facts, relevant portions of the

administrative record, and the procedural history of the case in his R&R. In considering the record, Magistrate Judge Whalen applies relevant case law and gives well reasoned explanations for his conclusions. None of Colon-Lockhart's objections has merit.

III. Conclusion

The Court **ADOPTS** the R&R. Defendant's motion for summary judgment is **GRANTED**; Plaintiff's motion for summary judgment is **DENIED**.

Judgement will enter in favor of Defendant.

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: March 25, 2016

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on March 25, 2016.

s/Linda Vertriest
Deputy Clerk